

35 U.S.C. 119(e) priority claims

The Examiner stated that Provisional Application 60/143,377 does not support claims 11-20, 31-45, 47 or 49 and therefore the priority dates for these claims is the filing of the Non-Provisional Application on July 12, 2000 and not the Provisional Application filing date of July 12, 1999. The undersigned has not been able to obtain a copy of this document. Upon obtaining this document, the Applicant can determine whether or not the Examiner's position that claims 11-47 are not supported by a July 12, 1999 filing date is accurate.

35 U.S.C. 102(b) rejection

The Applicant has cancelled claim 48 for the purposes of expediting the prosecution of the Application and expressly reserves the right to argue this rejection in a continuing application. For the sake of economy, the allowability of claim 48 will not be argued here.

35 U.S.C. 103(a) rejection

The Applicant's submit the 103(a) rejection is not proper. The Examiner rejected claims 1, 2, 4, 8 and 9 under 35 U.S.C. 103(a) as unpatentable over Snow in view of Briesacher et. al. The Examiner fails to disclose where in either reference that the suggestion to combine the features recited in claim 1.

In order to submit a proper 35 U.S.C. 103(a) rejection, the Graham test must be used. This test consists of four parts: 1) determining the scope of the prior art; 2) distinguishing the claim in question from the prior art; 3) determining the person of ordinary skill in the art, and 4) evaluating secondary considerations. The Examiner has failed to suggest where the references suggest to combine the features recited in claim 1 in the two references as required by MPEP 2141. The Applicant will be unable to make a proper 35 U.S.C. 103(a) argument without the Examiner pointing out where the motivation or suggestion to combine the features are located in the cited references.

With respect to claims 11, 19 and 47 the priority document would have an effect on

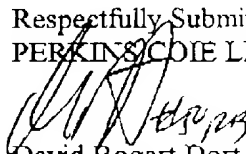
has be unable to obtain a copy of the Provisional Application to date, an argument on the allowability of these claims or the appropriateness of the 103 rejection would be premature. Therefore, the applicant will address the rejection of these claims in a supplemental remarks (or amendment) to this submission.

Furthermore, Claims 21-46 also have the same priority date issue as claims 11-20 and to argue the 103 rejection here would be premature as well. The Examiner should note that both of the references used to rejection claims 21-46 are assigned to a common assignee. The Applicant will argue the Allowability of these claims in a supplemental remarks.

CONCLUSION

The Applicant respectfully requests reconsideration of claims 1-10 and submits that they were not properly rejected under 35 U.S.C. 103(a) and therefore stand in condition for allowance. Claims 11-47 will be addressed in a supplemental remarks.

Respectfully Submitted,
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